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EXAMINER

BOYCE, ANDRE D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/085,652
Filing Date: February 27, 2002
Appellant(s): FARNES ET AL.

John P. Wagner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 22, 2007 appealing from the Office action mailed January 4, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

USPN 6,115,691	Ulwick	09-2000
US 2002/0049621	Bruce	04-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 13, 14, 18, 19, 27-30 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulwick (USPN 6,115,691).

As per claim 1, Ulwick discloses a method for developing a solution to a customer experience issue (i.e., evaluation of potential solutions to achieve desired outcomes, column 7, lines 24-26), said method comprising: a) identifying a target customer including customer requirements and a customer profile (i.e., customers are identified, column 6, lines 7-10); b) defining a current customer experience (i.e.,

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desired outcome for the customers, column 6, lines 18-20) and comparing it with a customer experience provided by a competitor (i.e., can organization compete effectively against other organizations, figure 19a); c) summarizing values and benefits that should be provided to said target customer (i.e., relative importance and satisfaction levels of desired outcome are quantified, column 6, lines 36-39); d) identifying metrics for measuring success of a solution (i.e., predictive metrics or predictive success factors, column 6, lines 54-57); e) identifying gaps between current solutions and said benefits (i.e., quantifying the potential value of each alternate solution, column 7, lines 63-67); and f) generating solutions for delivering said benefits and selecting a solution path which delivers the greatest number of benefits (i.e., user is guided towards solutions that overcome specific weaknesses and allows them to integrate and combine positive elements of a solution into an optimal solution, column 8, lines 12-15).

As per claim 2, Ulwick discloses defining a future customer experience for said solution path (i.e., value of potential solution can be determined in advance of its actual development, column 8, lines 27-30).

As per claim 4, Ulwick discloses developing an architecture for implementing said solution path (i.e., implementation of the process on a computer system, column 13, lines 13-16).

As per claim 13, Ulwick discloses wherein said step a) comprises: collecting data about customers affected by said customer experience issue (i.e., external customer sets are identified and research is conducted, column 14, lines 40-42); segmenting

customers and identifying a customer segment most affected by said customer experience issue, said customer segment representing said target customer (i.e., market segmented by what different customers value, column 15, lines 1-5); and identifying attributes of said target customer associated with said customer experience issue to generate said customer profile (i.e., segments represent a new market opportunity, column 15, lines 5-8).

As per claim 14, Ulwick discloses generating an environmental profile of said target customer, said environmental profile comprising attributes of an environment associated with said target customer (i.e., existence of segments that cut across traditional classification schemes, column 15, lines 5-7).

As per claim 18, Ulwick discloses said metrics comprise pre-release metrics and post-release metrics, wherein pre-release metrics are for measuring success during development of said solution path (i.e., create and quantify the value of a proposed solution in advance of its actual implementation, column 17, lines 25-28) and wherein post-release metrics are for measuring success after implementation of said solution path (i.e., continuous improvement of the solution, column 23, lines 3-7).

As per claim 19, Ulwick discloses wherein said step d) comprises: defining units of measure for said metrics (importance rating, column 18, lines 63-67); identifying measurement methods; defining criteria which indicate acceptable values for said metrics; and establishing baseline values for said metrics (column 18, lines 53-63).

As per claim 27, Ulwick discloses method for developing a solution to a customer experience issue (i.e., evaluation of potential solutions to achieve desired outcomes,

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column 7, lines 24-26), said method comprising: a) identifying gaps between current solutions and benefits that should be provided to a target customer (i.e., quantification of potential value, thus determining strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12); b) generating solutions for delivering said benefits and selecting a solution path which delivers the greatest number of benefits (i.e., integration of positive elements to obtain optimal solution, column 8, lines 12-15); c) defining a future customer experience for a selected solution (i.e., value of potential solution can be determined in advance of its actual development, column 8, lines 27-30); d) developing an architecture for implementing said solution path (i.e., implementation of the process on a computer system, column 13, lines 13-16); and e) defining use-cases describing task interactions between participants in said solution path and said solution path (i.e., analysis to ensure production and planning are considered in planning phase of the project, column 15, lines 56-59).

As per claim 28, Ulwick discloses defining a value delivery system identifying elements and participants associated with delivering said solution path to said target customer (i.e., internal customers, wherein the objective is to ensure that the solution delivers value to the internal and external customers, column 15, lines 28-32 and 40-42).

As per claim 29, Ulwick discloses identifying components of said future customer experience; identifying requirements for delivering each component of said future customer experience; and identifying participants who are associated with said

components and delivery requirements (i.e., production is analyzed to insure that the resulting solution can be delivered, column 15, lines 51-61).

As per claim 30, Ulwick discloses identifying gaps in said value delivery system; and identifying solutions addressing gaps in said value delivery system (i.e., quantification of potential value, thus determining strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12).

As per claim 33, Ulwick discloses identifying participants in said solution path (i.e., internal customers, column 14, lines 22-25); creating and prioritizing goals for said participants (i.e., evaluation and prioritization of organization desired outcomes, column 15, lines 44-50); identifying tasks for accomplishing goals selected according to their priority (i.e., production desired outcomes, column 15, lines 54-56); defining use-cases describing task interactions between said participants and said solution path (i.e., analysis to ensure production and planning are considered in planning phase of the project, column 15, lines 56-59); and identifying and addressing problems with said solution path using said use-cases (i.e., establishment of importance rating of desired outcomes, column 16, lines 6-11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5-12, 15-17, 20-26, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ulwick (USPN 6,115,691), in view of Bruce (US 2002/0049621).

As per claims 3 and 31, Ulwick does not explicitly disclose identifying milestones for delivering said values and benefits; identifying components of said future customer experience for each milestone; generating a future customer experience flow by organizing future customer experience components for each milestone according to their order of occurrence; and aligning said solution path with said milestones. Bruce discloses the evaluation of a project or sub-project including milestone tracking, wherein a job is monitored for the completion of certain milestones or goals, wherein the job is simple broken down into smaller subsets (¶¶ 0463-0464). Both Ulwick and Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying milestones; identifying components of said future customer experience for each milestone; and aligning said solution path with said milestones in Ulwick, as seen in Bruce, as an effective means of monitoring a job for the completion of certain milestones and goals, as disclosed by Bruce, thus making Ulwick more aware of the status of customer desired outcomes.

As per claims 5 and 32, Ulwick does not explicitly disclose identifying milestones for delivering said values and benefits; identifying components of said future customer experience for each milestone; identifying elements of said

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architecture needed for each milestone; and assembling said elements to construct said architecture. Bruce discloses the evaluation of a project or sub-project including milestone tracking, wherein a job is monitored for the completion of certain milestones or goals, wherein the job is simple broken down into smaller subsets (¶¶ 0463-0464). Both Ulwick and Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying milestones; identifying components of said future customer experience for each milestone; and identifying elements of said architecture needed for each milestone in Ulwick, as seen in Bruce, as an effective means of monitoring a job for the completion of certain milestones and goals, as disclosed by Bruce, thus making Ulwick more aware of the status of customer desired outcomes.

As per claim 6, Ulwick discloses identifying participants in said solution path (i.e., internal customers, column 14, lines 22-25); creating and prioritizing goals for said participants (i.e., evaluation and prioritization of organization desired outcomes, column 15, lines 44-50); identifying tasks for accomplishing goals selected according to their priority (i.e., production desired outcomes, column 15, lines 54-56); defining use-cases describing task interactions between said participants and said solution path (i.e., analysis to ensure production and planning are considered in planning phase of the project, column 15, lines 56-59); and identifying and addressing problems with said solution path using said use-cases (i.e., establishment of importance rating of desired outcomes, column 16, lines 6-11).

As per claim 7, Ulwick discloses defining a value delivery system identifying elements and participants associated with delivering said solution path to said target customer (i.e., internal customers, wherein the objective is to ensure that the solution delivers value to the internal and external customers, column 15, lines 28-32 and 40-42).

As per claim 8, Ulwick discloses identifying components of said future customer experience; identifying requirements for delivering each component of said future customer experience; and identifying participants who are associated with said components and delivery requirements (i.e., production is analyzed to insure that the resulting solution can be delivered, column 15, lines 51-61).

As per claim 9, Ulwick discloses identifying gaps in said value delivery system; and identifying solutions addressing gaps in said value delivery system (i.e., quantification of potential value, thus determining strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12).

As per claims 10 and 11, Ulwick discloses defining scope and resources (i.e., desired outcomes for internal customers, column 15, lines 28-33). Ulwick does not disclose schedule for implementing said solution path and developing a schedule for measuring performance of said solution path against said metrics. Bruce discloses scheduling of activities for a project (i.e., implementation of a solution, ¶ 0114), wherein each activity has an operational component, representing the work done, (¶ 0115). Both Ulwick and Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary

skill in the art at the time the invention was made to include schedule for implementing said solution path and developing a schedule for measuring performance of said solution path against said metrics in Ulwick, as seen in Bruce, as an effective means of tracking the progress of the activities of the solution implementation, thus making Ulwick more aware of the status of customer desired outcomes.

As per claim 12, Ulwick discloses measuring performance of said solution path (i.e., quantification of the potential value of each solution, column 7, lines 63-65); and identifying and implementing changes to said solution path to improve said performance (i.e., integration of positive elements to obtain optimal solution, column 8, lines 12-15).

As per claim 15, Ulwick discloses said step b) comprises: generating a customer experience flow by organizing components of said current customer experience according to their order of occurrence (i.e., predictive metrics of desired outcome, column 16, lines 18-21), wherein said customer experience flow is referenced to said customer requirements and identifies instances in which said customer requirements are unmet (i.e., quantification of potential value, thus determining strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12); and updating said customer experience flow to include said gaps between said attributes (i.e., integration of positive elements to obtain optimal solution, column 8, lines 12-15). Ulwick does not disclose identifying gaps between attributes of said current customer experience and attributes of said customer experience provided by said

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competitor. Bruce discloses benchmarking/ best practices as a comparison tool, which compares related information of two different projects, which can include competitors (§ 0465). Both Ulwick and Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying gaps between attributes of said current customer experience and attributes of said customer experience provided by said competitor in Ulwick, as seen in Bruce, as an effective means of comparison, as disclosed by Bruce, thus making Ulwick more robust in determining solution implementation.

As per claims 16, 17 and 23, Ulwick discloses wherein said step c) comprises: identifying said benefits (i.e., customer desired outcomes, column 15, lines 1-5); categorizing said benefits according to their value to said target customer (column 15, lines 1-5); prioritizing said benefits according to their relative importance (i.e., outcomes are prioritized, column 15, lines 16-17); and selecting a subset of benefits according to their value (i.e., desired outcomes for a particular segment are ranked, column 15, lines 17-20). Ulwick does not explicitly disclose identifying milestones for delivering said values and benefits; and creating value propositions for each milestone, wherein a value proposition comprises a summary of value provided at each milestone, and aligning said solution path with said milestones. Bruce discloses the evaluation of a project or sub-project including milestone tracking, wherein a job is monitored for the completion of certain milestones or goals, wherein the job is simple broken down into smaller subsets (§§ 0463-0464). Both Ulwick and

Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying milestones; creating value propositions for each milestone; and aligning said solution path with said milestones in Ulwick, as seen in Bruce, as an effective means of monitoring a job for the completion of certain milestones and goals, as disclosed by Bruce, thus making Ulwick more aware of the status of customer desired outcomes.

As per claim 20, Ulwick discloses a method for developing a solution to a customer experience issue (i.e., evaluation of potential solutions to achieve desired outcomes, column 7, lines 24-26), said method comprising: a) collecting data about customers affected by said customer experience issue (i.e., external customer sets are identified and research is conducted, column 14, lines 40-42); b) segmenting customers and identifying a customer segment most affected by said customer experience issue, said customer segment representing a target customer (i.e., market segmented by what different customers value, column 15, lines 1-5); c) identifying attributes of said target customer associated with said customer experience issue to generate a customer profile (i.e., segments represent a new market opportunity, column 15, lines 5-8); d) generating a customer experience flow by organizing components of a current customer experience according to their order of occurrence (i.e., predictive metrics of desired outcome, column 16, lines 18-21), wherein said customer experience flow identifies instances in which customer requirements are unmet (i.e., quantification of potential value, thus determining

strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12); f) summarizing values and benefits that should be provided to said target customer (i.e., customer desired outcomes, column 15, lines 1-5); and g) identifying metrics for measuring success of a solution (i.e., predictive metrics, column 16, lines 18-20). Ulwick does not disclose identifying gaps between attributes of said current customer experience and attributes of said customer experience provided by a competitor. Bruce discloses benchmarking/ best practices as a comparison tool, which compares related information of two different projects, which can include competitors (¶ 0465). Both Ulwick and Bruce are concerned with obtaining organizational goals via performance indicators, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying gaps between attributes of said current customer experience and attributes of said customer experience provided by said competitor in Ulwick, as seen in Bruce, as an effective means of comparison, as disclosed by Bruce, thus making Ulwick more robust in determining solution implementation.

As per claim 21, Ulwick discloses defining a future customer experience for said solution path (i.e., value of potential solution can be determined in advance of its actual development, column 8, lines 27-30).

As per claim 22, Ulwick discloses updating said customer experience flow to include said gaps between said attributes (i.e., quantification of potential value, thus determining strengths and weaknesses in a solution, column 7, lines 63-67 and column 8, lines 10-12).

As per claim 24, Ulwick discloses generating an environmental profile of said target customer, said environmental profile comprising attributes of an environment associated with said target customer (i.e., existence of segments that cut across traditional classification schemes, column 15, lines 5-7).

As per claim 25, Ulwick discloses said metrics comprise pre-release metrics and post-release metrics, wherein pre-release metrics are for measuring success during development of said solution path (i.e., create and quantify the value of a proposed solution in advance of its actual implementation, column 17, lines 25-28) and wherein post-release metrics are for measuring success after implementation of said solution path (i.e., continuous improvement of the solution, column 23, lines 3-7).

As per claim 26, Ulwick discloses wherein said step d) comprises: defining units of measure for said metrics (importance rating, column 18, lines 63-67); identifying measurement methods; defining criteria which indicate acceptable values for said metrics; and establishing baseline values for said metrics (column 18, lines 53-63).

(10) Response to Argument

In the Appeal Brief, Appellant argues 1) with respect to claim 1, that Ulwick does not teach or suggest a customer profile, a customer experience provided by a competitor, and identifying gaps between current solutions and benefits, 2) with respect to claim 27, that Ulwick does not teach or suggest identifying gaps between current solutions and benefits that should be provided to a target customer, defining a future customer experience for a selected solution, developing an architecture for

implementing said solution path, and defining use-cases describing task interactions between participants in said solution path and said solution path, 3) with respect to claim 20, that neither Ulwick nor Bruce teach or suggest identifying attributes of said target customer associated with said customer experience issue to generate a customer profile and generating a customer experience flow by organizing components of a current customer experience according to their order of occurrence, wherein said customer experience flow identifies instances in which customer requirements are unmet

With respect to Argument 1, the Examiner respectfully disagrees. First, Ulwick discloses customers are identified (column 6, lines 7-10), including gathering customer desired outcomes from a sample of individuals that represent the potential market (i.e., customer profile, column 14, lines 29-32), thus indeed disclosing a customer profile. Next, Ulwick discloses external customers (i.e., end users, column 14, lines 50-54) are broken into market segments wherein research data is quantified for specific market segments, wherein the desired outcomes identified for a market segment are ranked (column 15, lines 16-22). And whether an organization can compete effectively against other organizations, is a desired outcome (figures 19a and 20a). As a result, market segment data based upon whether an organization can effectively compete against other organizations is researched and quantified from an end user perspective, thus indeed disclosing a customer experience provided by a competitor. Lastly, Ulwick discloses quantifying the potential value of each alternate/proposed solution (column 7, lines 63-67),

wherein the user is able to systematically improve the best solution (i.e., current solution) via continuous improvement (column 23, lines 3-8), thus indeed identifying gaps between current solutions and benefits.

With respect to Argument 2, the Examiner respectfully disagrees. First, Ulwick discloses quantifying the potential value of each alternate/proposed solution (column 7, lines 63-67), wherein the user is able to systematically improve the best solution (i.e., current solution) via continuous improvement (column 23, lines 3-8), thus indeed identifying gaps between current solutions and benefits. Next, Ulwick discloses the value of potential solution quantified and determined by the user in advance of its actual development (column 8, lines 27-30), wherein the user may include the external customer (i.e., end user) that will benefit from the evolution of the process (column 14, lines 19-22), thus indeed defining a future customer experience for a selected solution. In addition, Ulwick discloses implementation of the process for strategy evaluation and optimization designed and implemented on a computer system, including hardware and code (column 13, lines 13-20). Lastly, Ulwick discloses production is analyzed to ensure the resulting service or product can be manufactured or delivered, wherein production inherently includes task interaction (column 15, lines 56-59), thus indeed disclosing developing an architecture for implementing said solution path (i.e., integration of positive elements to obtain optimal solution). In addition, Ulwick discloses coordinating actions across all functions, possessing the skill set to achieve a goal, and cooperation across organization functions (figure 19a). As a result, Ulwick indeed discloses defining

use-cases describing task interactions between participants in said solution path and said solution path.

With respect to Argument 3, the Examiner respectfully disagrees. First, Ulwick discloses segments represent a new market opportunity (column 15, lines 5-8). Moreover, Ulwick discloses customers are identified (column 6, lines 7-10), including gathering customer-desired outcomes from a sample of individuals that represent the potential market (i.e., customer profile, column 14, lines 29-32), thus indeed disclosing identifying attributes of said target customer associated with said customer experience issue to generate a customer profile. Lastly, Ulwick discloses providing an interactive approach that presents the user with weaknesses and strengths that exist in a solution, wherein the user is able to quantify value of a solution, based on the strengths and weaknesses, i.e., customer requirement unmet (column 8, lines 10-27), thus indeed disclosing generating a customer experience flow by organizing components of a current customer experience according to their order of occurrence, wherein said customer experience flow identifies instances in which customer requirements are unmet.

11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Andre Boyce
January 21, 2008

Conferees:



Vincent Millin, Conferee Specialist

Romain Jeanty, Primary Patent Examiner



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